

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION**

DORA DAVIS,

Plaintiff,

v.

**ALBANY INTERNATIONAL
CORP.; JEFF JOHNSTON,**

Defendants.

)
)
)
)
)
)
)
)
)
)
)
)

**CIVIL ACTION NO.
2:05-CV-1040-WKW**

**DEFENDANTS' JOINT "REPLY" IN SUPPORT OF THEIR
MOTIONS FOR SUMMARY JUDGMENT**

Defendants Albany International Corporation ("Albany") and Jeff Johnston ("Johnston") jointly file this "reply" in support of their motions for summary judgment.

1. Pursuant to Section 2 of the Court's Uniform Scheduling Order dated January 24, 2006, Albany and Johnston filed separate motions for summary judgment and accompanying briefs, along with a joint evidentiary submission, on June 21, 2006.

2. On June 27, 2006, the Court ordered that the plaintiff file a response, including a brief and any evidentiary materials, on or before July 19, 2006.

3. The plaintiff did not file a response or any other opposition to the defendants' motions for summary judgment on July 19, 2006, nor did she request additional time from either of the defendants or the Court for such filing.

4. The defendants' motions for summary judgment are, therefore, unopposed and due to be granted.

5. Albany and Johnston intend to seek attorneys' fees and expenses associated with their defense of this frivolous action.

WHEREFORE, defendants Albany International Corporation and Jeff Johnston respectfully request that this Court grant their motions for summary judgment, and for such other and proper relief as justice so requires.

/s Charles A. Powell IV

Charles A. Powell IV
Attorney for Defendant
Albany International Corporation

OF COUNSEL:

**BAKER, DONELSON, BEARMAN,
CALDWELL & BERKOWITZ, P.C.**
420 Twentieth Street North, Suite 1600
Birmingham, Alabama 35203
(205) 244-3822 Telephone
(205) 488-3822 Facsimile

/s Lynlee Wells Palmer

Lynlee Wells Palmer
One of the Attorneys for Defendant
Jeff Johnston

OF COUNSEL:

**JOHNSTON BARTON
PROCTOR & POWELL LLP**
2900 AmSouth/Harbert Plaza
1901 Sixth Avenue North
Birmingham, Alabama 35203
(205) 458-9400 Telephone
(205) 458-9500 Facsimile

CERTIFICATE OF SERVICE

I hereby certify that on July 20, 2006, I electronically filed the above and foregoing with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the following:

Trina S. Williams, Esq.
Vicky U. Toles, Esq.
TOLES & WILLIAMS, LLP
1015 South McDonough Street
Montgomery, AL 36104

/s Lynlee Wells Palmer
OF COUNSEL